REMARKS

This is intended as a full and complete response to the FINAL Office Action dated May 24, 2005.

Disposition of the Claims

Claims 1 - 20 are currently pending and stand rejected.

Amendment of the Claims

Claim 1 is amended to correct the mis-labeling noted by the Examiner.

Obviousness-type Double Patenting Rejection

Claims 1 – 20 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1 – 29 of U.S. Patent No. 6,759,454 (Stephens et al.).

The present application and cited Stephens et al. (US 6,759,454) were commonly owned, at the time of the invention of the present invention, by KRATON Polymers U.S. LLC. Both claim the benefit of US Provisional patent application 60/355,210 filed on February 7, 2002.

The Applicants submit herewith a terminal disclaimer disclaiming that portion of the patent term of the present application which, if granted, would extend beyond the full statutory term of US 6,759,454 according to the terms and conditions provided therein.

Applicants respectfully request withdrawal of the rejection.

U.S.C. § 102(e)/103(a) Rejections

Claims 1 – 20 are rejected under 35 U.S.C. § 102(e)/103(a) as being obvious over Stephens et al. (US Patent 6,759,454).

The present application and Stephens et al. (US Patent 6,759,454) were, at the time of the invention of the present invention, commonly owned by KRATON Polymers U.S. LLC.

35 U.S.C. 103(c) precludes rejection on the basis of obviousness where the subject matter of the cited reference and the claimed invention were, at the time the invention was made, owned by the same person (MPEP 706.02(l)(1)).

Applicants therefore request withdrawal of the 103(a) rejection.

Claims 1 – 20 are rejected under 35 U.S.C. § 102(e)/103(a) as being unpatentable over Knoll (US Patent 6,531,263) in view of Stephens et al. (US Patent 6,759,454). Applicants respectfully traverse this rejection. As noted above, Stephens et al. is not an effective reference against the present application with regard to 103(a). Therefore, Knoll must stand alone as a reference against the present application. As noted in Applicants previous response, Knoll teaches photopolymerizable compositions useful for flexographic printing plates comprising SIS or SBS block copolymers where the I blocks are polyisoprene and the B blocks are polybutadiene. There is no teaching or suggestion of any other combination of monomers in the midblocks of the styrenic block copolymers. Therefore, Knoll can in no way teach or suggest flexographic printing plate compositions comprising a copolymeric rubber block comprising both monovinyl arene and conjugated diene monomers and, in particular, a controlled distribution arrangement of such comonomers to make a rubber block having a monovinyl arene blockiness index of less than about 40%. Further, the teaching of Knoll provides no motivation to one of ordinary skill in the art to modify the SIS or SBS polymers in any way, nor with any reasonable expectation of success, to make the photopolymerizable composition of the present invention comprising a non-hydrogenated styrene/diene block copolymer and a hydrogenated, controlled-distribution block copolymer.

Applicants hold that the present invention is patentable over Knoll and respectfully request withdrawal of the 103(a) rejection.

Applicants would like to address the Examiner's observation that the block copolymer of Knoll can be produced by the same method as the method used to make controlled distribution block copolymers. The basis for this observation is unclear to the Applicants. In fact, the Applicants strongly disagree. While both the block polymers of

Knoll and the controlled distribution block copolymers of the present application are made by anionic polymerization, their processes of manufacture are distinctly different. The controlled distribution polymers utilized in the present application are made by a specific process which is described in detail in the present application and in the parent application (US Patent SN 10/359,981). In particular, the Examiner's attention is drawn to Illustrative Embodiment #1 of the parent application where the controlled distribution copolymer in 19 separate examples. These controlled distribution copolymers have the unique distribution of comonomers in the mixed block such that the polymer possesses 1) terminal regions adjacent to the mono alkenyl arene homopolymer ("A") blocks that are rich in conjugated diene units, 2) one or more regions not adjacent to the A blocks that are rich in mono alkenyl arene units; and 3) an overall structure having relatively low blockiness where the polymer has a blockiness index less than about 40%. The controlled distribution method leads to a novel structure and novel properties (see Illustrative Embodiment #2 of the parent application and Comparative Example 1 / Table 2 of the present application). The controlled distribution method would NOT result in an SBS or SIS polymer having homopolymer midblocks. Neither would it yield copolymer blocks which would be random nor tapered as understood by one of ordinary skill in the art.

Applicants would also like to address the Examiner's comment that it is well known that a styrene-conjugated diene block copolymer can be produced by a living polymerization process by an additional charging of styrene and/or conjugated diene monomers for making the desired structure of the block copolymer. Applicants are not aware of any teaching of the prior art which shows the application of living polymerization processes to make block copolymers having controlled distribution blocks of monovinyl arenes and conjugated dienes. Only with hindsight reconstruction could one conceive of the Applicants inventive block copolymers having controlled distribution blocks.

Having addressed all issues set out in the Office Action, Applicants respectfully submit the claims are in condition for allowance and respectfully request that the claims be allowed.

Respectfully submitted,

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